

NEWS NOTES

OF THE CENTRAL COMMITTEE FOR CONSCIENTIOUS OBJECTORS

Vol. 7, No. 1, January, 1955

Philadelphia, Pa.

Christmas Amnesty Denied C.O.'s

Court Curtails Labor Draft

The contention of Selective Service that a conscientious objector can be given a mandatory work order for private employment has been overruled by Judge J. Joseph Smith of Hartford, Conn. (U.S. v. Copeland, Criminal No. 8923, Dist. of Conn., Nov. 12, 1954). Charles Copeland, a Jehovah's witness, was given a mandatory work order to report for employment at Goodwill Industries. Copeland refused to report and was prosecuted for his refusal. Judge Smith dismissed the indictment.

In discussing the issue Judge Smith stated, "Weight should be given the administrative construction of the Act . . . The problems involved in carrying out the regulation permitting involuntary assignment to private employ are so great, however, as to throw doubt upon the interpretation of the Selective Service System here. There are many non-profit organizations primarily engaged in charitable activities conducted for the benefit of the general public today which, however, retain some of the religious roots from which they grew before care of the ill and the poor became so largely a governmental function. Did Congress intend to force men incidentally to support religious beliefs which they oppose? The evidence does not disclose whether there is any such situation with regard to Goodwill Industries . . .

"Its purposes are undoubtedly worthy and its activities beneficial to the public so that it can qualify for governmental aid taxwise.

"This does not mean, however, that the Congress intended to provide it with assistance by the involuntary assignment of draft eligibles to its service. No such concept of public assistance to such organizations has been known in our law, so far as this court can recall.

"The regulations, in ascribing such an intention to the Congress, read into the Act what is not plainly expressed in its terms, and what is so radical a departure from the past practice that the Congress would surely have spelled it out far more plainly if it intended to effect such a result. . . .

"So far as Sec. 1660.1 (a) (2) is construed to permit involuntary assignment to work in private employ, therefore, it is not authorized by the Act and is invalid."

This is the first successful attack upon the civilian work regulations. In other cases courts have ruled that the work assignment was in line with the draft law and that an involuntary assignment was not involuntary servitude as forbidden in the 13th Amendment. However, these cases involved public employment.

World War II legal attacks on the civilian public service system were likewise unsuccessful.

President's Staff Rejects Request to Forgive Violators of 1940 Draft

On December 1, 1945, the Committee for Amnesty was organized in New York City to "obtain full freedom and amnesty for all objectors to war and conscription" convicted for violations of the 1940 draft law. At that time there were about 1,000 C.O.'s still in prison. A great many prominent persons, 24 national religious organizations, and a number of labor unions and newspapers gave support to the drive.

The Committee for Amnesty soon broadened its objective to include an amnesty for all violators of the World War II draft law. This was in line with the nature of other amnesties. For example, the final amnesty for World War I violators granted by President Roosevelt in 1933 included not only all draft violators without listing types of violators but also included wartime offenses under other laws. It was also clear that no separation of conscientious objectors from other types of violators could be made without the commission of further injustices.

The activity of the Committee for Amnesty was only partially successful. It resulted in the establishment of an Amnesty Board by President Truman. The Board reviewed the individual cases of more than 15,000 draft violators and recommended only 1,500 pardons instead of a general amnesty. The power to grant either individual pardons or an amnesty rests solely with the President. President Truman granted the 1,500 pardons for Christmas 1947. More than three-fourths of the conscientious objectors had been denied pardon.

Amnesty Board Criticized

The limited action of the Amnesty Board was widely criticized, and the Committee for Amnesty remained at work. Renewed world tensions and the Selective Service Act of 1948 made amnesty less of a political possibility. When the Central Committee for Conscientious Objectors was organized in the fall of 1948 the Committee for Amnesty passed its problem on to CCCO and disbanded. Most of the executive committee of the Committee for Amnesty remained at work on the broader scope of C.O. legal problems as members of the CCCO committee.

CCCO's work for amnesty has been confined to periodic reminders to officials that eventually an amnesty must be granted. Just prior to Christmas each year a request has gone to the President from CCCO and other agencies asking an amnesty for all violators of the Selective Training and Service Act of 1940. Although CCCO

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Briefly Noted

The War Resisters League has issued a Peace Calendar for 1955. It is a booklet with a week on a page with space to note appointments or other memoranda. The calendar is attractive and useful as well as educational. At the top of each page there is a good quotation from some well-known person such as Rousseau, Tolstoy, Debs, or Einstein. The quotations are usually anti-war in nature. Noted at the appropriate dates are such things as the founding of the American Peace Society, the picketing of the White House for amnesty for C.O.'s, and the Supreme Court's decision against segregation. Copies may be obtained from the WRL, 5 Beekman St., New York 38, N. Y., for \$1.00 each.

The Friends Committee on National Legislation has published a special anti-conscription issue of the committee's Washington Newsletter. This is one of the most successful efforts we've seen to present in a concise manner the arguments against conscription along with an outline program for working against it and information on the origins and results of conscription. Copies may be obtained from FCNL, 104 C Street, N.E., Washington 2, D.C., at 5c each or \$3.00 per hundred.

George Krouse, a World War II civilian public service C.O., has been working on plans for a sea-colony craft which would enable persons to live on the ocean as a new frontier geographically and politically. He has built scale models and is ready to build a full size model when he can find financial backing. He estimates that \$38,800 would be needed for the first such craft. He would like to correspond with persons interested in the idea. His address is Box 309, Vallejo, Calif.

Connecticut plans to end its participation in the civilian work program for C.O.'s as the periods of service for the men now employed end. The program is being discontinued because vacancies can now be filled by regular employees. Connecticut was one of the first states to get into the program, and a number of out-of-state C.O.'s have been employed there.

The November issue of NEWS NOTES reported that Fred Hildebrand, a C.O. inmate at Tucson, was denied parole because he wanted to insert a conscience clause in the parole agreement. As a result of work on the case the Board of Parole invited CCCO to submit a memorandum on conscience clauses and C.O. paroles. The memorandum was submitted January 4.

A new agreement with the National Surety Corporation went into effect January 1 and will be in effect for two years to enable C.O.'s anywhere in the country to post bond through CCCO. This is the fourth such two year agreement to be negotiated by CCCO. By the use of a sub-indemnity agreement which assures National Surety of no losses the bonds are available at 2% instead of the regular commercial fee. A number of supporters of conscientious objectors sign the sub-indemnity agreement and thus assume the financial risk. However, to date, there has never been any loss, and none is expected.

Appraisal of Detroit

(An editorial)

As to the facts concerning the allegations of intimidation in Detroit, and the Department of Justice has not disputed these facts, we draw two conclusions:

1. With some allowance for the fact that these men were badly frightened and their reports thus influenced subjectively, we think the allegations were substantially correct. We believe that Greenberg called the men in and acted "tough" to scare "a couple of smart alec college kids" because he and the Michigan State Office of Selective Service didn't like the ads. We do not think that Greenberg at any time considered the ads to be illegal in themselves.

2. We conclude that no investigation in any real meaning of the word was made by the Department of Justice on this complaint. We believe the Department merely sent a copy of the CCCO complaint to U.S. Attorney Kaess and asked for his comment or report on the matter. The C.O.'s were not interviewed on the complaint, nor were we interviewed, nor were persons who talked to the boys immediately after the incident interviewed. It is interesting to note in this respect that in our interview with Kaess he first denied all knowledge of the incident but soon showed that he had a thorough knowledge of and antipathy to the complaint.

As to the value of the activity by CCCO and its supporters in this matter we feel that much has been gained in spite of few objective results. The activity has surely convinced a new administration in the Department of Justice that handling of conscientious objectors is under the continuous scrutiny of an articulate group of citizens across the country. Vigilance has always been necessary for the maintenance of minority rights. As Senator Jackson of Washington wrote a constituent, "I hope the attention given this matter will help to discourage any improper actions on the part of representatives of the Department of Justice."

An interesting, but to us depressing, fact came to light as a side result of this incident. We found that a few staunch supporters of the rights of conscience thought the Detroit handling of the objectors to be a normal method of operation for U.S. Attorneys. These generally enlightened persons thought that C.O.'s all across the country faced that kind of treatment, particularly if they actually did violate the law. Thus while protesting the action of one U.S. Attorney we found ourselves throwing favorable light on the usual handling of C.O. cases in respect to the personal relationships of the officials.

We also found a few friends of C.O.'s who thought the facts, even if true, were unimportant because the men were not prosecuted. How anyone can excuse rank intimidation by public officials of young men without criminal records who had broken no law is not clear to us. Hitler did not arrest many Jews in the beginning. When do we start to protest?

LYLE TATUM

Although the plan is convenient to use, CCCO urges C.O.'s to have their local supporters post cash or property bond whenever possible to save all expense, to make sure that bond will be posted as quickly as possible, and to give local persons the opportunity for concrete support.

AMNESTY DENIED*(Continued from page 1)*

and a number of other agencies are on record as favoring amnesty for the violators of the Selective Service Act of 1948, the annual official request has been only for violators of the 1940 law.

The request for the Christmas, 1954, amnesty was initiated in October by Lewis Hoskins, executive secretary of the American Friends Service Committee. Hoskins asked Maxwell Rabb of the President's staff for reconsideration of the amnesty brief submitted by AFSC and CCCO in 1953. Rabb then sent inquiries to various departments of the government to determine the advisability of an amnesty. No public drive was made for amnesty but a number of individuals wrote the President. The Fellowship of Reconciliation sent a letter from that organization, and CCCO telegraphed the President.

The denial of amnesty was sent to Lewis Hoskins by Maxwell Rabb in a special delivery letter dated December 21, 1954. The letter made it clear that on this issue the Republican administration sees eye to eye with the Democratic administration of 1947.

Request is Rejected

The letter stated, "It is true, as is pointed out in your letter of October 14, that the United States is 'no longer involved in any active warfare.' We are all thankful that this is true, yet are unceasingly mindful of the internal and external enemies which still threaten all of us and threaten the very rights and liberties we both cherish. This threat is so great that our Government is still drafting young men for defense, and is urging other free nations to build the strongest possible shield to preserve our common freedoms. Against this national and international background, there is strong feeling that it would be both inconsistent and unwise for our Government, at this time, to grant blanket pardons to men who in the Amnesty Board's words have 'set themselves up as wiser and more competent than society to determine their duty to come to the defense of the Nation.'

"The Amnesty Board painstakingly considered 15,805 cases individually and recommended 1,523 for pardon. There is unanimous sentiment that the reasoning which supported the Board's determinations is as valid today as it was in 1947."

CCCO will call a group of organizational representatives together soon to decide whether a public campaign for amnesty should be made in 1955 or whether only the periodic reminders should be continued while a draft law is in force.

A.A.A.S. Bars Pacifist Group

The Society for Social Responsibility in Science, a group of 300 scientists and engineers dedicated to the promotion of the uses of science for peaceful ends, has failed in its effort to become affiliated with the American Association for the Advancement of Science, it was learned yesterday.

The society, founded in 1949, consists mostly of pacifists and conscientious objectors to war. Its membership includes Dr. Albert Einstein, Dr. Max Born and Dr. Hideki Yukawa, all Nobel Prize winners in physics. The American Association for the Advancement of Science is composed of 256 associated and affiliated societies with a

Justice Dep't Remains Silent

The Department of Justice continues to refuse all comment on whether or not the charges of intimidation made by two conscientious objectors against Assistant U.S. Attorney Greenberg in Detroit have been substantiated. Two objectors claim that Greenberg threatened them with prosecution after they had inserted advertising offering information on the rights of conscientious objectors. (For complete details see NEWS NOTES, October, November, and December, 1954.) It has not been charged that the insertion of the ads was illegal.

Although the Department continues to evade reply on such basic questions as the truth of the charges and the nature of the investigation conducted, public pressure has forced more detailed replies than the first curt acknowledgment sent to all those who protested.

CCCO has received copies of replies sent to Senators and Representatives from about twenty states. These Congressmen, as well as individuals, are sent a new form letter with a personal opening which ties the answer into the letter received. The letter reports facts known to readers of NEWS NOTES and concludes, "We have thoroughly examined and reviewed the manner in which" the investigations were conducted "and do not find any basis for disciplinary action."

Included with the letter is a photostatic copy of the ad. The original copy of the photostat showing the name of the paper, the date-line, the page number, and the ad was sent to the Department by CCCO.

A few persons have had other questions commented on. To one insistent questioner on whether the men had violated a statute the reply was, "... the Department does not issue statements calculated to reflect the guilt or innocence of persons that have been investigated or are to be investigated prior to such decisions by the courts and juries."

Although basic questions about this incident have not been answered, CCCO has decided nothing more can be gained by pushing the matter further.

The names of the C.O.'s involved were not published by NEWS NOTES in the first stories, since CCCO wanted it to be clear to the Department of Justice that the committee, not the men, was pressing the inquiry. Since that part of the incident is now considered closed we can report that the men involved were Robert Hughes and Matthew Herron. Hughes has just completed his two years of assigned civilian work at the University Hospital in Ann Arbor, Mich. Herron is now serving on his assignment at a Friends' school in Jordan.

membership of more than 2,000,000.

In a letter rejecting the application for affiliation, Dr. John A. Bahnke, associate administrative secretary of the A.A.A.S., said the board of directors felt "that the limitations of your objectives left considerable question as to the appropriateness of formally including S.S.R.S. in the structure of the organization."

Dr. Victor Paschkis, associate professor of mechanical engineering at Columbia University, chairman of the educational division of the social responsibility group, said it was "a commentary on the times that a society dedicated to fostering the social responsibility of scientists has no place in the foremost organization of science."

(Reprinted from New York Times, Dec. 14, 1954)

THE COURT REPORTER

I PROSECUTIONS

Sentence confirmed since last issue

- Date ? Thomas Tambllyn, 2 years, (Birmingham, Ala.) Judge H. H. Grooms
- Date ? James Williams, 2 years, (Birmingham, Ala.) Judge H. H. Grooms
- 2-11-54 George Hauck, 3 years, (Brooklyn, N. Y.) Judge Robert Inch
- 11-15-54 Elmer Yoder, 2 years, (Indianapolis, Ind.) Judge William Steckler, refusal to report for alternative service
- 11-15-54 Amos Mast, 2 years, (Indianapolis, Ind.) Judge William Steckler, refusal to report for alternative service

Appeals

- 10-29-54 Thomas Tambllyn, conviction affirmed, 5th Circuit Court of Appeals
- 10-29-54 James Williams, conviction reversed, 5th Circuit Court of Appeals
- 12-9-54 Perry Moore, conviction affirmed, 7th Circuit Court of Appeals

Arrests

- Oregon—Otis Jellison
(All prosecutions for refusal to report for or submit to induction unless otherwise noted.)

II RELEASED FROM PRISON

On parole

- Date ? Robert Hollingshead
- Date ? Ervin Waters

III MEN CURRENTLY IMPRISONED

- Chillicothe, Ohio—Elmer Yoder, Amos Mast
- Danbury, Conn.—Richard Blazej, James Playford, Francis Playford, Saul Wider, George Hauck
- Florence, Ariz.—P. A. Nazeroff
- Milan, Mich.—Carl Nead, Ronald Wrightsman, Peter Yoder
- Mill Point, W. Va.—Clifton Campbell
- Petersburg, Va.—Carl Nickel, Finley Cerwithian
- Seagoville, Texas—Bill Passmore, William Moser
- Springfield, Mo.—Clarence Bryan, Howard Roberson, Burton Rosen, Henry Adamowicz, John Forbes, Ralph Dorn, Bradford Lyttle, Eddie Powell, Harlan McCall, Richard Arnold (previously listed as Joseph Arnold)
- Tucson, Ariz.—Robert Kent, Fred Hildebrand
- Total number of C.O.'s convicted since 1948 to date: 282 (This is a minimum number, since J.W.'s and Muslims are not included, and we miss a few.)

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Form 100 Revised

The Selective Service System has made some slight revisions on SSS Form 100, the initial classification questionnaire which goes to all registrants. The new forms will be put into use by each local board as its supply of old forms is exhausted.

The change which C.O.'s will note is that it is now Series XV, instead of Series XIV, which must be signed by conscientious objectors to get SSS Form 150, the special questionnaire for C.O.'s. There are no new questions on the form, but the order in the list has been changed. The wording of the question is the same as previously. (To correct your copy of the second edition of the *Handbook for Conscientious Objectors* just change XIV to XV on page 11, line 10.)

The revised questionnaire also has a new requirement that when the questions in any series do not apply to a registrant he is to enter "None" or "Does not apply" across the space. Thus every registrant will, at least in theory, be required to make a statement as to whether or not he is a conscientious objector.

Single copies of the revised form are available from CCCO free of charge upon request.

Greetings Appreciated

CCCO has not heard as this issue of NEWS NOTES goes to press just how many Christmas cards were received by the C.O.'s in prison. However, we have already had expressions of appreciation from some of the men. Lyle Tatum visited the men at Danbury December 17, and the men there mentioned that they appreciated the cards already received.

The following note was received from a number of the men at Springfield: "We, the conscientious objectors who are incarcerated at Springfield Medical Center, wish to express our sincere thanks and appreciation to our friends at this most joyous season, for the beautiful greeting cards received, and most of all the Christmas concern and support they represent to us. May God bless each and everyone who so kindly remembered us."

The note was signed by Henry Adamowicz, R. Greg Dorn, Harlan McCall, Richard Arnold, John Forbes, Clarence D. Bryan, Howard L. Roberson, and Bradford Lyttle.

CCCO also wishes to thank the many persons who sent Christmas greetings to us. It is good to know that we have such friendly support from so many persons.

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